UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/7/08*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,5-22 and 25-29* is/are pending in the application.

    4a) Of the above claim(s) *1,3,4,21-24,30 and 31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2, 5-22 and 25-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/17/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/04*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 2, 5-22 and 25-29 are presented for examination.

2.   Claims 2, 5-22 and 25-29 are objected to because the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Samples of claim languages or phrases that are unclear, which may render the scope of the claims indefinite, are given as follows:

(1) As to claim 2, it appears that the clause "causes the selected terminal to distribute the contents to another terminal" indicates a server's capability to <u>force</u> a selected terminal to distribute the content involuntarily. However, there is no corresponding teaching in the specification. The closest word used the specification is "enable", which shows that the server makes it possible for the terminal client to take the initiative to distribute the content. For purpose of prior art rejection, the word "cause" is modified to "enable" in this office action. Clarification/Correction in response to this office action is requested.

(2) As to claims 13- 15, 17-19 and 21, it is unclear what is meant by "secondary and afterward terminals"? For purpose of prior art rejection, the word "afterward" is construed as "other".

(3) As to claims 15-17, it is unclear what is meant by "edit patterns"? It is noted that although the specification does use the phrase to describe a table of various choices in Figs. 20A-20C, the phrase itself contains much broader meaning and there is no way of linking the phrase

to the relevant teaching in the specification. For example the phrase "edit patterns" may be construed as an "updated version" of a media content or a customized user profile.

(4) As to claims 13 and 16, it appears that the term "an arbitrary reference" imposes no further limitation to the claims because (i) there is no showing of how the reference is being used in the claims and (ii) the reference itself is arbitrarily chosen.

3.   Claims 4, 8, 11-12, 14, 16-22 and 25-29 are objected to because the following terms lack antecedent basis:

in claim 4 and 8:   "the communication state";

in claim 8:   "the amount setting section";

in claim 11:   "the prepaid amount";

in claim 14:   "the accounting information";

in claim 16:   "the initial synchronous distribution";

in claim 22:   "the computer user";

in claim(s) 25-26:   "the setting information";

in claim 26:   "the relevant contents";

in claim 26:   "the connected connection destination"; and

in claim 29:   "the reception".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims 2 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Kang[US 7127429].

6.   As to claim 2, Kang teaches the invention as claimed including: a contents distribution support system comprising

a contents server [qq0, Fig.1] and a plurality of terminals [130, Fig.1] connected to the contents server via a network [e.g., the Internet] to allow contents to be distributed to the terminal from the contents server and further allow the contents to be distributed to another terminal from the terminal that received the distribution [e.g., Abstract], wherein the contents server comprises a storing section that stores information on the terminal that received the distribution of the contents, and a section that selects a terminal stored in said storing section based on information concerning distribution state [e.g., a state showing that a media downloaded by a first user and further paid by a second user, such that the first user can be compensated] from said contents server, and enables the selected terminal to distribute the contents to another terminal [col.2, lines 20-35 and 51-55; i.e., the second user is motivated (via compensation) to further distribute the media after the second user has paid a fee of viewing it locally. It is noted further that inherently the server must have storage sections containing information about the terminals that have paid the fee and information about users who are qualified for compensation].

7.   As to claim 10, Kang further teaches that the contents server includes a section that

obtains information indicating the distribution state executed by each terminal [note that

inherently there must be a section recording (e.g., via account management) the distribution state

executed by each terminal otherwise it would not be possible to track payment made by each

client and offer compensation to client who redistributes content (see Fig.2 and claim 1)].

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 5-7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kang [US 7127429], as applied to claims 2 and 10 above, further in view of Yagawa et

al.(hereafter "Yagawa")[US 6751598].

10.   As to claim 5, Kang teaches an accounting scheme for each redistributing terminal by

storing a prepaid amount [Abstract; i.e., amount that has been paid for downloaded contents] and

add/substract an arbitrary amount as the redistributing client's credit or due to a subsequent

download of another content [Abstract; i.e., recording the compensation due to a redistribution of

the downloaded contents] and inherently the client's account balance must be stored in a

rewritable medium for purpose of updating the account balance.

Kang is silent about using a storage media having at least one of a read-only storage area and a rewritable storage area to store a program for gaining access to the contents server via the network to the read-only storage area and store the account balance in the rewritable storage area.

However, in the same field of endeavor, Yagawa teaches using a storage medium including a read-only area and a rewritable area, with the former storing service program [2, Figs.1 and 10] and the latter storing user profiles [3, Figs. 1 and 10].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make use of Yagawa's storage medium to store information in different areas as described because keeping unchangeable information (such as program code and security code] in a read-only area and updatable information [such as account information] in rewritable area is a common practice for security and flexibility of information management.

11.   As to claim 6, Kang and Yagawa teach that the contents distribution support system further comprises an amount setting section that fixes an amount to be subtracted or added [e.g., Yagawa: col.2, lines 25-28].

12.   As to claim 7, Kang and Yagawa do not specifically teach how often the fixed amount is recorded in each content purchaser's account, such as based on a frequency of the distribution or reception of the contents or a distribution time period of the contents.

However, it is a well known accounting practice to record charges associated with a client each time certain media content is distributed to or received by the client. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the

clients' account information whenever a transaction is made in Kang's and Yagawa's system because it simplifies the account management.

13.   As to claim 9, Kang and Yagawa further teach that the read-only storage area stores a program for allowing the distributed contents to be reproduced [e.g., Kang: col. 4 line 65 – col.5 line 3; Yagawa: col.6, lines 30-39].

14.   As to claims 11-12, since the features of these claims can also be found in claims 2, 5-6 and 10, they are rejected for the same reasons set forth in the rejection of claims 2, 5-6 and 10 above.

15.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang [US 7127429], as applied to claims 2, 5-7 and 9-12 above, further in view of Dulin et al.(hereafter "Dulin")[US20020029200].

16.   As to claim 8, Kang does not specifically teach how to recover from an interrupted transaction as described.

However, recovering a failed program by rolling back a transaction that was in progress is well known in the art. For example, Dulin teaches applying an automatic recovery procedure when encountering communication interruption during the process of financial transaction [e.g., Dulin: paragraph 125].

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Kang's system is also in need of a recovery procedure and Yagawa's roll-back

process is applicable to Kang's system because the principles are the same even though the subject in the transaction may be different. Namely, it would have been obvious to one of ordinary skill in the art to monitor Kang's the communication state between the selected one terminal and another terminal, and when interruption of the communication is judged by the communication monitoring section, selection is executed again based on information on the terminal stored in the storing section, and the amount setting section fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted.

17.   Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang [US 7127429], as applied to claims 2 and 5-12 above, further in view of Russell et al.(hereafter "Russell")[US20020049679].

18.   As to claim 13, Kang further teaches that the contents server includes a storing section that stores information on the terminal that received the distribution of the contents from the contents server, a first selecting section that selects a primary terminal based on information stored in the storing section and an arbitrary reference at the time of executing a distribution of the contents, and a second selecting section that selects secondary and afterward terminals sequentially based on information stored in the contents server in connection with the selected primary terminal [e.g., col.5, lines 13-25; col.6, lines 21-27].

        Kang does not specifically teach that the distribution is performed using the synchronous mode of communication between the sender and the recipient of the content.

However, synchronous communication mode in network communication is well known in the art. For example, Russell teaches using content sharing using peer-to-peer connection between the sender and the recipient of the content [paragraph 41]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform Kang's content distribution among client terminals using synchronous P2P connection because this is a popular form of communication in the network content sharing environment and by adopting this mode of sharing it would broaden Kang's user base.

19.   As to claim 15, since the features of this claim can also be found in claims 2 and 13, it is rejected for the same reasons set forth in the rejection of claims 2 and 13 above.

20.   Claims 14, 16-22 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang [US 7127429], as applied to claims 2, 5-13 and 15 above and Russell et al.(hereafter "Russell")[US20020049679], as applied to claims 13 and 15 above, and further in view of Yagawa et al.(hereafter "Yagawa")[US 6751598], as applied to claims 5-7, 9 and 11-12 above.

21.   As to claim 14, Yagawa further teach that the terminal includes a display section, and a screen that receives a desire for a rank of the contents distribution of the primary terminal and/or secondary and afterward terminals and the accounting information to be subtracted or added are displayed on the display section [e.g., Figs.2-3 and 9; col.7, lines 48-60].

22.   As to claims 16-22 and 25-29, since the features of these claims can also be found in claims 2, 5-7, 9 and 11-15 and in the cited prior art, they are rejected for the same reasons set forth in the rejection of claims 2, 5-7, 9 and 11-15 above.

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yoshii et al. [US20020087675].

24.   A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

March 21, 2008

/Wen-Tai Lin/

Primary Examiner, Art Unit 2154